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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/627,870      | 07/28/2000  | David H. Sprogis     | 5014                | 2817             |

7590 11/12/2004

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|          |
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| EXAMINER |
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MYHRE, JAMES W

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3622

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/627,870

Applicant(s)

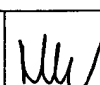
SPROGIS, DAVID H.

Examiner

James W Myhre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>24</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>22</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on July 14, 2003 is sufficient to overcome the previous rejection based on the cited references. The amendment did not cancel nor add any claims. Thus, the currently pending claims considered below remain Claims 1-26.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-11, 14, 15, 17-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabonsky (6,141,530).

Claims 1-6, 9, 10, 14, 15, 17-21, and 25: Rabonsky discloses a system and method for providing advertisements in theaters, comprising:

a. storing advertisement information in a database (col 4, lines 11-16; col 8, lines 11-24; col 12, lines 26-28; and col 14, lines 4-19);

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b. selecting stored data for transmission to a first digital projector based on the common interest of a first audience such as the movie scheduled (i.e. schedule) to be shown in a first theater (i.e. location) and second stored data for transmission to a second digital projector based on the common interest of a second audience such as the movie scheduled to be shown in a second theater (col 3, lines 22-26; col 7, lines 38-47; col 9, lines 43-50; col 10, lines 34-67; and col 12, lines 9-19); and

c. tracking and reporting the use and attendance of each display of the advertisement and movie back to the head end (col 7, lines 8-11; col 12, lines 30-35; and col 14, lines 20-30)

Claims 7 and 11: Rabonsky discloses a system for providing advertisements in theaters as in Claims 1 and 10, and further discloses the database and digital projectors being connected through a network (col 1, line 48 – col 2, line 11 and col 4, lines 34-41).

Claims 22 and 23: Rabonsky discloses a system for providing advertisements in theaters as in Claim 21 above, and further discloses selecting the stored data based on the common interest of the audience, such as the show schedule (i.e. time) of the movie (i.e. title, genre, etc.) being shown in that theater (col 3, lines 22-26; col 7, lines 38-47; col 9, lines 43-50; col 10, lines 34-67; and col 12, lines 9-19).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabonsky (6,141,530) in view of Hunter (6,424,998).

Claims 8, 16, and 26: Rabonsky disclose a system and method for providing advertisements in theaters as in Claims 1, 15, and 25 above, but does not explicitly disclose that the stored data will be placed into a composite frame, i.e. a multi-window or split screen display. However, Hunter discloses a similar system for displaying electronic (digital) images in which the display screen is split into a plurality of sub-screens, with the advertisement being displayed in one sub-screen, the company logo being displayed in another sub-screen, and content (such as a news or sports event) being displayed in at least one other sub-screen (col 8, lines 28-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate a similar composite frame in Rabonsky. One would have been motivated to generate and display such composite frames in order to provide the viewer with additional information about the theater, the movie, safety precautions, etc. as is normal in the theater industry (e.g. ticker tape at bottom of trailers suggesting a visit to the concession stand).

6. Claims 12, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabonsky (6,141,530).

Claims 12 and 13 and 24: Rabonsky discloses a system for providing advertisements in theaters as in Claims 9 and 21 above and discloses selecting the stored data based on the movie and/or show schedule of the movie, but does not explicitly disclose that the selection is based on whether the showing is the first showing of the movie in that theater or within the first week of the first showing. However, it would have been obvious to one having ordinary skill in the art that the theater operator could input any selection criteria into the system to include placing higher priorities on the initial or near initial showing of a movie. One would have been motivated to select different data for display during the initial or within the first week of the initial showing than at other subsequent showing in view of the usually high attendance at new movies. In other words, it would make financial sense for the theater operator to charge advertisers more to advertise their products to a sold-out theater than when the theater was only half full (e.g. during the 20<sup>th</sup> week of a run). Thus, the theater operator would increase the selection of high-paying advertisers during this initial run time.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (703) 746-5544.

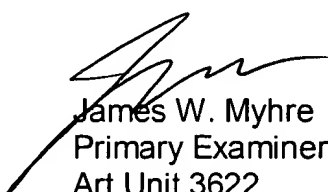
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM

November 4, 2004



James W. Myhre  
Primary Examiner  
Art Unit 3622